

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Anant V. Hegde, et al.

Serial Number: 10/781,357

Filing Date: February 17, 2004

Title: VASCULAR ASSIST DEVICE AND
METHODS

Group Art Unit: 3762

Examiner: Rex R. Holmes

CONFIRMATION NO: 9201

FILED ELECTRONICALLY ON: SEPTEMBER 29, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicant(s) respectfully request(s) that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant(s) further request(s) that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- A. ☒ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:
- ☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;
-- OR --
 - ☒ (3) It is being filed before the mailing of a first Office action on the merits;
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- B. ☐ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:
- ☐ a statement as specified in §1.97(e) provided concurrently herewith;
-- OR --
 - ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:
- i. a statement as specified in §1.97(e);
-- AND --
 - ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.
- D. ☐ 37 CFR §1.97(e). Statement.
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);
-- AND/OR --
 - ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);
-- AND/OR --
 - ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.
- E. ☐ Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the requirements of 37 C.F.R. § 1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

- F. ☒ 37 CFR § 1.98(a)(2). The content of the Information Disclosure Statement is as follows:
- ☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.
- OR --
- ☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.
- AND/OR --
- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR § 1.98 (a)(2).
- AND/OR --
- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR § 1.98(a)(2)(iii).
- G. ☒ 37 CFR § 1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.
- ☐ Pursuant to 37 CFR § 1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
- ☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.
- OR --
- ☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____
- ☒ Pursuant to 37 CFR § 1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.
- H. ☐ 37 CFR § 1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:
- ☐ Pursuant to 37 CFR § 1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.
- Application in which the information was submitted: _____
- Information Disclosure Statement(s) filed on: _____
- AND
- ☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR § 1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 31513-701.501).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: September 29, 2006

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By: 
Anie K. Roche, Reg. No. 50,512

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)**Complete if Known**

Substitute for form 1449/P/O				Application Number	10/781,357
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Filing Date	February 17, 2004
				First Named Inventor	Anant V. Hegde
				Art Unit	3762
				Examiner Name	Rex R. Holmes
				Attorney Docket Number	31513-701.501
Sheet	1	Of	3		

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US 2003/0214199 A1	11-20-2003	Heim et al.	
	2.	US 2004/0147803 A1	07-29-2004	Hegde et al.	
	3.	US 4,457,673	07-03-1984	Conley et al.	
	4.	US 4,583,523	04-22-1986	Kleinke et al.	
	5.	US 4,809,676	03-07-1989	Freeman	
	6.	US 4,813,952	03-21-1989	Khalafalla	
	7.	US 4,979,936	12-25-1990	Stephenson et al.	
	8.	US 5,429,584	07-04-1995	Chiu et al.	
	9.	US 6,109,852	08-29-2000	Shahinpoor et al.	
	10.	US 6,475,639 B2	11-05-2002	Shahinpoor et al.	
	11.	US 6,543,110 B1	04-08-2003	Pelrine et al.	
	12.	US 6,545,384 B1	04-08-2003	Pelrine et al.	
	13.	US 6,583,533 B2	06-24-2003	Pelrine et al.	
	14.	US 6,664,718 B2	12-16-2003	Pelrine et al.	
	15.	US 6,781,284 B1	08-24-2004	Pelrine et al.	
	16.	US 6,809,462 B2	10-26-2004	Pelrine et al.	
	17.	US 6,812,624 B1	11-02-2004	Pei et al.	
	18.	US 6,891,317 B2	05-10-2005	Pei et al.	
	19.	US 6,911,764 B2	06-28-2005	Pelrine et al.	
	20.	US 7,034,432 B1	04-25-2006	Pelrine et al.	
	21.	US 7,064,472 B2	06-20-2006	Pelrine et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² - Number ³ - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	3 ⁴
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Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to be fed by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/781,357	
			Filing Date	February 17, 2004	
			First Named Inventor	Anant V. Hegde	
			Art Unit	3762	
			Examiner Name	Rex R. Holmes	
Sheet	2	Of	3	Attorney Docket Number	31513-701.501

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document: Country Code ² - Number ³ - Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
	22.	EP 0216042 B1	03-06-1991	Khalafalla		
	23.	WO 00/76288 A2	12-21-2000	Peters et al.		
	24.	WO 00/76288 A3	12-21-2000	Peters et al.		
	25.	WO 01/06575 A1	01-25-2001	SRI International		
	26.	WO 01/06579 A2	01-25-2001	SRI International		
	27.	WO 02/24254 A2	03-28-2002	Khaghani et al.		
	28.	WO 02/24255 A1	03-28-2002	Peters et al.		
	29.	WO 03/028787 A1	04-10-2003	Peters		
	30.	WO 03/107523 A1	12-24-2003	SRI International		
	31.	WO 92/08500 A1	05-29-1992	Chiu		
	32.	WO 99/04833 A1 (in French w/ English Abstract)	02-04-1999	Gruss et al.		

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				Art Unit	3762
Examiner Name	Rex R. Holmes				
Sheet	3	Of	3	Attorney Docket Number	31513-701.501

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁴
	33.	Electroactive Polymer Actuator and Devices. <i>Proceedings of SPIE</i> . (Yoseph Bar-Cohen ed. 2001.) Bellingham: SPIE	
	34.	BOND, Elaine et al. 2000. The Left Ventricular Assist Device. <i>American Journal of Nursing</i> 103 (1): 32-40.	
	35.	HELMAN, David N. et al. Cardiac Assist Devices: Chapter 22, Intracorporeal Support: The Intra-aortic Balloon Pump. 291-306. (Daniel J. Goldstein & Mehmet C. Oz eds. 2000) Armonk, New York: Futura Publishing Company.	
	36.	STRAND et al. Poly-L-Lysine induces fibrosis on alginate microcapsules via the induction of cytokines. <i>Department of Biotechnology, Norwegian University of Science and Technology, Trondheim. (Abstract only)</i>	
	37.	SUN, Benjamin C. Cardiac Assist Devices: Chapter 3, Device Selection. 27-36. (Daniel J. Goldstein & Mehmet C. Oz eds. 2000) Armonk, New York: Futura Publishing Company.	
	38.	VANDEVONDELE et al. 2003. RGD-grafted Poly-L-lysine-graft-(polyethylene glycol) Copolymers Block Nonspecific Protein Adsorption while Promoting Cell Adhesion. <i>Biotechnol. Bioeng.</i> 82(7): 784-90.	

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